



State of South Carolina
The Circuit Court of the Twelfth Judicial Circuit

THOMAS A. RUSSO
JUDGE

CITY COUNTY COMPLEX, MSC-O
180 NORTH IRBY STREET
FLORENCE, SOUTH CAROLINA 29501-3456
TELEPHONE: (843) 665-3020
FAX: (843) 665-3078
E-MAIL: trussoj@sccourts.org

November 20, 2019

Hand Delivered

South Carolina Judicial Screening Commission
L. Marion Gressette Building
Columbia, South Carolina

Re: Judge Thomas A. Russo

Mr. Chairman:

This evening (about 3 hours ago) I submitted a hand-written withdrawal of my candidacy for re-election to my currently held judicial seat, Circuit Court At Large Seat #12. That document was submitted under intense pressure and duress with me given little to no time to process what had just occurred during the executive session. Please accept this letter as my formal withdrawal of that hand-written document and that I wish to proceed with my candidacy and go forward with my right to a public hearing.

It is my understanding from an e-mail that I received from Chief Counsel, Erin B. Crawford, that no votes were taken this week on any judicial race. Therefore, I do not believe there is any prejudice in my public hearing moving forward since all matters discussed this evening were in a closed executive session.

Thank you for receiving this formal request and I look forward to hearing from you on when I may complete my public hearing and screening process.

Respectfully submitted,

Thomas A. Russo

McCULLOCH & SCHILLACI
ATTORNEYS AT LAW

1116 BLANDING STREET
P.O. Box 11623 (29211)
COLUMBIA, SC 29201
(803) 779-0005 • FAX (803) 779-0666

JOSEPH M. McCULLOCH, JR.
joe@mccullochlaw.com

KATHY SCHILLACI
kathy@mccullochlaw.com

November 22, 2019

Delivered Via Hand Delivery

Erin B. Crawford
S.C. Senate
S.C. Senate Judiciary
P.O. Box 145
Columbia, SC 29202
erincrawford@scsenate.gov

RE: Judicial Candidacy of The Honorable Thomas A. Russo

Dear Ms. Crawford:

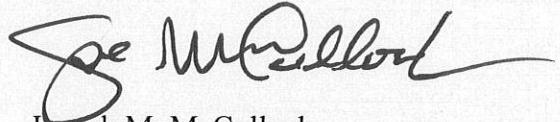
I represent Judge Russo. I am writing as a follow-up to the letter he hand delivered to you yesterday. In that letter, Judge Russo requested that he be permitted to withdraw the letter of resignation from his judgeship. After consulting with him, I am requesting a full Commission hearing on his request to rescind the withdrawal from consideration, signed the day before yesterday. Upon reflection, Judge Russo believes it was a decision made under a degree of duress after being required to make the decision in just a few minutes. I have discussed with him the two Commission hearings and the primary issue of concern of the Commission, the Facebook posts. Current media speculation arising from the convening of the Commission “in secret while questioning”, as phrased by the Post and Courier (attached) and their speculation that his judicial temperament and alleged sexism and alleged discriminatory conduct are the reasons for the direction of the Commission and his withdrawal, place him in a difficult position. The reason for his withdrawal must be given clarity. The Commission moved quickly from the temperament issues which were discredited by the Judicial Survey and surprised him with the Commission’s view of the gravity of the “political” Facebook posts. I believe a full Commission hearing on the matter of his withdrawal is in the best interest of the public and Judge Russo on his withdrawal. The focus and handling of the Facebook posts behind closed doors permit media speculation and continuing damage to his otherwise excellent reputation and performance on the bench. The need for clarity is especially important given the disposition of the Facebook matter by issuance of a private

Letter of Caution (attached) by the Office of Disciplinary Counsel. As a sitting judicial officer, he is placed in an impossible situation by not being able to comment publicly.

In view of the above, we ask for an appearance before the Full Commission to consider his request to rescind his withdrawal from consideration. This at least affords his transparency and provides the public a complete review of the process and full understanding of the issues that have resulted in the Commission's current stance. In addition, we request the hearing be open to the public and this letter and attachments be available to the public under the Freedom of Information Act.

I hope the Commission will take this under advisement immediately and make a decision quickly.

Sincerely,



A handwritten signature in black ink, appearing to read "Joe McCulloch".

Joseph M. McCulloch

JMM/erg
Enclosure(s)



The Supreme Court of South Carolina

COMMISSION ON JUDICIAL CONDUCT

Deborah S. McKeown
Commission Counsel

1220 Senate Street, Suite 111
Columbia, South Carolina 29201
Telephone: (803) 734-1965
Fax: (803) 734-0363

March 26, 2018

PERSONAL AND CONFIDENTIAL

The Honorable Thomas A. Russo
181 North Irby Street, Suite 3600
Florence, SC 29501-3456

Re: LETTER OF CAUTION
Complainant: Disciplinary Counsel
Matter Number: 18-DE-J-0043

Dear Judge Russo:

An investigative panel of the Commission on Judicial Conduct considered the above-referenced matter and determined that the imposition of a sanction was not warranted. The panel decided not to authorize the filing of formal charges against you, but, instead, to conclude this matter with the issuance of this Letter of Caution.

Accordingly, you are hereby cautioned that, as you perform future professional duties, you should be more mindful of, and be more careful to adhere to, the guidelines set out in the Code of Judicial Conduct, particularly those set out in Canon 4A(1). This Letter of Caution is being issued because of posts made by you on social media that could be viewed as expressions of bias or prejudice casting reasonable doubt on your ability to act impartially as a judge. This Letter of Caution constitutes a final disposition of this matter.

COMMISSION ON JUDICIAL CONDUCT

Thomas W. Cooper, Jr.
Chair

cc: Joseph P. Turner Jr.
Senior Assistant Disciplinary Counsel



State of South Carolina The Circuit Court of the Twelfth Judicial Circuit

THOMAS A. RUSSO
JUDGE

CITY COUNTY COMPLEX, MSC-O
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March 12, 2018

The Supreme Court of South Carolina
Office of Disciplinary Counsel
Post Office Box 12159
Columbia, South Carolina 29211

Re: Judge Thomas A. Russo
ODC File Number: 18-DE-J-0043

Dear Mr. Turner:

Having received the Notice of Investigation on March 9, 2018, please accept this as my written response to the allegations contained in the aforementioned Notice.

As I recall, I opened my Facebook account somewhere around the year 2009. In opening that account I just filled out the questioner in the profile section, listing my personal information, i.e. name, DOB, Hometown, job, education, family, etc... In filling out that profile I did list my work on the questioner. After opening that account, I just went about my life and followed family and friends from time to time on Facebook. I'm not sure what people see when they go to my Facebook page, but when I log onto Facebook, it does not list my profile information when it opens up my account. It never dawned on me that people would log onto my account and look at the information listed in my profile. As I said, I have had the account for over 8 or 9 years and did not realize when I listed my job in the personal section that it would be accessible to the general public.

As for the screen shots taken from my account contained in the Notice, I do not deny making any of those posts. I have, on occasion, posted items that personally spoke to my faith and shared those as an encouragement to my family and friends. I have also occasionally posted funny items or jokes that I thought were funny but innocent and not offensive. I have also posted things that have a political significance that speak to my beliefs on those issues. I do not deny posting any of those screen shots listed, however, I never thought that people would know that I work as a Circuit Court Judge or could see that information when they would view my posts.

I am completely aware that I should never use my office or position on the Court to advocate for or against any political organization or promote or come against any religious faith. I have not done that in this case. I truly had no idea that folks would know, from seeing my posts on Facebook, that I am a Circuit Court Judge. I have never posted anything regarding my job or work on the Court in any effort to use my position on the Court to advocate any political, religious or other social causes. All of these posts were made by me personally, without any reference to my work or what I do for a living. I have never interjected my position on the Court to promote any of these posts or positions. I have always taken great pride in being fair and impartial in my work on the bench. As it says in Canon 2, I have always respected and complied with the law and have tried to comport myself in an appropriate manner.

I have never intentionally lent the prestige of my judicial office to advance my private interest or allow family, social, political or other relationships to influence my judicial conduct or judgment. Had I known that people could go into my personal information and read that I was a Circuit Court Judge, I would have never filled out that portion of the questioner when I first opened my Facebook account. That was strictly ignorance on my part and I have remedied that issue. Since receiving this Notice, I have had my daughter assist me in going into my account and removing all references to my work and education. There is currently nothing associated with my Facebook account that connects to my position or work on the bench.

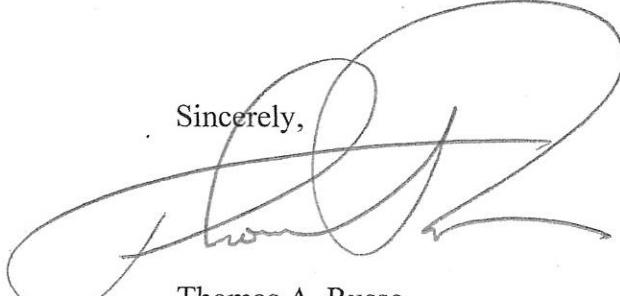
Having been informed that folks were able to access my personal information and see what I do for a living, I completely understand the concerns raised by this Notice of Investigation. I can see where some people may see these posts and have it raise questions in their minds as to my ability to be impartial or to be able to set aside my personal beliefs from my legal responsibilities. Obviously, we all have opinions and positions as they relate to our political and religious beliefs and that should not come as a surprise to anyone. Judges are not robots or machines who have no independent thoughts or ideas about the issues of the day. Or that they go about their job as judge 100% mechanically and emotionally detached. We are humans, and as such, we have thoughts, ideas and opinions regarding a wide variety of issues and topics, just as any other person. We have political and religious persuasions to which we espouse. However, I understand that we need to be very careful that we do not allow those personal persuasions to interfere with our ability to carry out our tasks as fair and impartial arbiters or in any way have those things inhibit our judgment in impartially applying the law in our work. We must always avoid even the appearance of impropriety in all of our activities, as it is stated in Canon 2.

All I can offer the Office of Disciplinary Counsel is that if I, in any way, violated any of the Canons of the Code of Judicial Conduct by these posts, those violations were completely unintentional. I would never intentionally do anything to violate the Code of Judicial Conduct. I do realize, now, that even if my account did not list my occupation, it was still inappropriate to publically post anything that would even suggest or bring into question my ability to carry out my duties fairly and impartially. I am completely devastated that I may have done anything that would bring into question my integrity or the integrity of the Court. It is such an honor and privilege to serve our State on the Circuit Bench and is something I have embraced with great pride. I've always tried to handle my responsibilities with the highest and utmost integrity.

I have corrected the listing on my Facebook account, removing all references to my work or education. I will, from here forward, refrain from posting anything of a political nature or anything to promote my faith. Any encouragements I wish to convey to my family and friends in the future, I will do so privately. My daughter noticed that my Facebook account was listed as "open to the public," of which I was completely unaware. I apologize for my ignorance. At my direction, she has since changed the settings on my account so that only Family and Friends can access my account.

Obviously, I will accept whatever discipline the Counsel feels should appropriately be imposed. Again, I just want to reiterate that any violations of the Canons that may have occurred, were inadvertent and out of ignorance of my misunderstanding of the social media page of my account. I had no idea folks could read my personal information, and from there, see that I am a Circuit Court Judge. I have never posted that I am a judge or posted anything about my work or posted anything in my capacity as a judge. I believe I have corrected the issues with my account and will refrain from any further posts that would raise even the appearance of impropriety or questions about the independence of my judicial office. If you need anything further from me, please let me know and I will comply with your request. Of course, I will make myself available to Counsel should you feel it necessary to speak with me in person. I regret having caused the need for this investigation and can assure you that I have done all that is at my disposal to correct the issues raised in this investigation. I understand the issues and you will not have these concerns with me or my Facebook account again. Thank you for the opportunity to address these matters and concerns.

Sincerely,



Thomas A. Russo

https://www.postandcourier.com/politics/accused-of-being-discriminatory-to-female-lawyers-sc-judge-faces/article_948b32c8-0be8-11ea-8b6d-6f8f64b98979.html

Accused of being 'discriminatory' to female lawyers, SC judge faces screening in secret

BY JOSEPH CRANNEY JCRANNEY@POSTANDCOURIER.COM

NOV 20, 2019 UPDATED NOV 21, 2019



Judge Thomas Russo speaks during an April hearing at the Florence County Judicial Center. Grace Beahm Alford/Staff
FILE/GRACE BEAHM ALFORD/STAFF

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COLUMBIA — A typically breezy round of judicial appointments in Columbia took an unusual turn Wednesday when a legislative panel convened in secret while questioning a circuit judge who had been accused of berating people in court and showing "discriminatory" behavior to female attorneys.

The Judicial Merit Screening Commission, which meets annually, usually conducts most of its business in open hearings. But no one is saying why the 10-member panel held a 90-minute special closed-door session late Wednesday with Circuit Judge Thomas Russo of Florence.

The panel was supposed to vote this week on Russo's reappointment to another six-year term on the bench. But for undisclosed reasons that vote was delayed.

Panel members declined to discuss the matter, maintaining that Russo's candidacy was still open. Russo exited a back door of a hearing room and didn't answer questions from reporters.

The panel is scheduled to meet again Dec. 2.



NEWS

INSIDE SC'S SECRETIVE PROCESS FOR DISCIPLINING JUDGES BY JOSEPH CRANNEY JCRANNEY@POSTANDCOURIER.COM 15 MIN TO READ

Each year, the commission screens candidates and incumbent judges for appointment to seats on the state bench. The panel in hearings lasting through the first week of December is set to review nearly 50 candidates and incumbents for 19 judicial seats.

Those hearings got off to an unusually tense start Monday when Russo was asked about complaints regarding his temperament, including allegations that he "berates" attorneys in open court.

Russo, who presides in an at-large seat based in Florence and first took the bench in 2005, had been running unopposed. But among 68 responses gathered in an anonymous survey of the South Carolina Bar, 14 of them, or nearly one quarter, expressed a concern about Russo's capacity as a judge.

Russo's "outbursts are nothing short of legendary," one lawyer wrote in a response read aloud during the hearing.



PALMETTO POLITICS

SOUTH CAROLINA JUDGE BOOTTED FROM OFFICE BY OVERSIGHT PANEL BY JOSEPH CRANNEY JCRANNEY@POSTANDCOURIER.COM

"I'm fairly shocked to hear that," Russo told the panel Monday. "I don't know that I've ever berated anyone. If I have an issue with an attorney, I do ask they step back in chambers, so I don't do that in public."

Russo was also accused of "discriminatory" behavior toward female attorneys, including calling them "liars."

"That's even more shocking," Russo said. "I grew up in a home with four sisters. I have two daughters. I've had nothing but the utmost respect for women."

The panel did not elaborate on the details of the complaints, and the commission shields records of the bar survey from the public.

The exchange marked what has otherwise been a breezy first three days of judicial screenings in Columbia.

Among the state's 49 circuit judges, who handle all of the state's felony criminal cases and major civil cases, Russo was one of two up for reappointment. He, along with Judge Alison Renee Lee, based in Columbia, ran unopposed.



PALMETTO POLITICS

BERKELEY COUNTY JUDGE'S WITHDRAWAL DRAWS BOTH OUTRAGE AND APPLAUSE ON ELECTION PROCESS BY SEANNA ADCOX SADCOX@POSTANDCOURIER.COM

A third vacancy on the circuit court will open when Judge Larry Hyman Jr. retires next year. The screening panel on Monday and Tuesday interviewed 11 candidates for that at-large seat.

The panel screens incumbent judges and judicial candidates for seats on the state's circuit and family courts, as well as the Court of Appeals and Supreme Court. The panel also screens the state's special masters and administrative law judges.

The panel forwards names to the General Assembly, which votes to confirm judges during each legislative session. South Carolina is one of two states with legislative election of judges.

The panel almost never rejects the reappointment of a sitting circuit judge.

The last to be dislodged through the process was Judge Kristi Harrington, who withdrew her reelection bid in 2017 and retired after lawyers complained about her courtroom temperament in anonymous surveys reviewed by the screening panel.

Otherwise, hearings in recent years have rarely been contentious, The Post and Courier reported in April in its joint investigation with ProPublica, "The Untouchables." The newspaper reviewed more than 1,000 pages of hearing transcripts over the last decade.

The reappointment of sitting circuit judges often sail through Columbia.

Many run unopposed. Concerns about a judge's handling of their duties are often disposed through brisk hearings. More serious matters, like potential ethical grievances lodged against judges, are considered behind closed doors.

It's not unheard of for a sitting judge to face some questions about their temperament. But in Russo's case, how seriously the screening panel is taking those complaints remains unclear.

After 15 minutes of questioning Monday, Smith interrupted the hearing to discuss with Russo an undisclosed "legal matter." The panel then blocked the public from an additional 10-minute session with Russo.

Russo returned Wednesday for another session at the end of the day that was closed to the public for 90 minutes. When the doors reopened, Russo was gone. So was Smith, who apparently left the session early. He didn't return phone messages Wednesday night.

Sen. Luke Rankin, a Conway Republican who is vice-chair of the panel, declined to answer questions.

Follow Joseph Cranney on Twitter @joey_cranney.

JOSEPH CRANNEY

Joseph Cranney is a reporter based in Columbia, covering state and local government. He previously covered government and sports for newspapers in Florida and Pennsylvania.